



Report to the Auburn City Council

Action Item
8
Agenda Item No.

13/2
City Manager's Approval

To: Mayor and City Council Members
From: Lance E. Lowe, AICP, Associate Planner *ja*
Date: June 27, 2011
Subject: Second Reading of An Ordinance to Extend the Expiration Date of Discretionary Entitlements Consistent with the Subdivision Map Act (*Government Code Sections 66452.21 & 66452.22*) – Admin. File 301.3(u)

The Issue

Should the City Council Adopt a Second Reading of an Ordinance to Amend Various Sections of the Auburn Municipal Code to Extend the Expiration Date of Discretionary Entitlements Consistent with the Subdivision Map Act?

Conclusions and Recommendation

Staff recommends that the City Council take the following action:

Hold a Second Reading, by Title only, of an Ordinance Amending Various Sections of the Auburn Municipal Code to Extend the Expiration Date of Discretionary Entitlements Consistent with the Subdivision Map Act (**Attachment 1**).

Background

On June 13, 2011 the Auburn City Council held a duly noticed public hearing and unanimously adopted the draft Ordinance as presented.

A Second Reading is required to finalize the processing of the Ordinance. Should the City Council decide to adopt the Second Reading of the Ordinance on June 27, 2011, the Ordinance will become effective in thirty (30) days.

Project Description

The proposed Entitlement Extension Ordinance amends various sections of the Auburn Municipal Code by extending all discretionary (i.e. Design Review, Use Permit, etc.) entitlements consistent with the State Subdivision Map Act (*Government Code §66452.21 & 66452.22*). That is where projects have been approved with a tentative map and included other discretionary entitlements, such as: Design Review, Use Permit, Tree Permit, etc. all approved entitlements would expire concurrently with the approved tentative map.

The proposed Entitlement Extension Ordinance eliminates the need to have an applicant request an extension of an entitlement where one or more entitlements may expire, while the tentative map remains valid in accordance with the Subdivision Map Act.

Alternatives Available to Council; Implications of Alternatives

- A. Hold a Second Reading and adopt Ordinance as presented;
- B. Deny the Second Reading; or,
- C. Amend the Ordinance and Introduce and hold a first reading, by title only, as amended.

Fiscal Impacts

The staff costs incurred for the preparation of the zoning ordinance amendment, in consultation with the City Attorney, has been budgeted.

Additional Information

Please see the following attachments for more details:

ATTACHMENT –

- 1. Draft Entitlement Extension Ordinance

EXHIBIT –

- A. June 13, 2011 City Council Staff Report with Attachments and Exhibits
(On File with the City Clerk)



ATTACHMENT

ORDINANCE NO. 11-____

AN ORDINANCE OF THE CITY OF AUBURN TO EXTEND THE EXPIRATION DATE
OF DISCRETIONARY ENTITLEMENTS FOR PROJECTS CONSISTENT WITH THE
SUBDIVISION MAP ACT (*GOVERNMENT CODE*
SECTIONS §66452.21 and §66452.22)

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council of the City of Auburn hereby finds:

(A) As a result of the economy and slowed development activity in the City of Auburn and in consideration of adopted urgency ordinances SB 1185 and AB 333, adopted by the State Legislature, the City Council believes it necessary to adopt this ordinance.

(B) This Ordinance is adopted in accordance with Senate Bill (SB) 1185 and Assembly Bill (AB) 333, which added Sections 66452.21 & 66452.22 to the Government Code (Subdivision Map Act) to extend the expiration date of approved subdivision maps and parcel maps.

(C) AB 333 and SB 1185 extended the useful life of approved subdivision maps and parcel maps, but not the entitlements relating to those maps, even though it is in the best interest of the city, the public, and the applicant for the underlying entitlements to be similarly extended.

(D) The Auburn City Council has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1 (i) Staff report prepared by the Community Development Department for
2 the May 17, 2011 Planning Commission meeting and June 13, 2011 City
3 Council meeting;

4 (ii) Planning Commission recommendation on the proposed ordinance;

5 (iii) The proposed ordinance;

6 (iv) Staff presentation at the public hearing held on June 13, 2011;

7 (v) Public comments, both written and oral, received and/or submitted at
8 or prior to the public hearings;

9 (vi) All related documents received and/or submitted at or prior to the
10 public hearings;

11 (vii) The City of Auburn General Plan, Municipal Code, and all other
12 applicable regulations and codes;

13 (viii) This ordinance is consistent with the State Subdivision Map Act and is
14 necessary to protect the health, safety and general welfare; and,

15 (ix) The project is exempt from CEQA per Section 15061(b)(3) because
16 this ordinance will merely extend the useful life of projects which have already
17 undergone all necessary environmental review and mitigation. Therefore, it
18 can be seen with certainty that there is no possibility that this ordinance may
19 have a significant effect on the environment.

20
21 Section 2. Effect of Ordinance. The City Council hereby enacts as follows:

22
23 (A) If a tentative or vesting tentative subdivision map or parcel map for
24 which a tentative or vesting tentative map, as the case may be, would have
25 expired after July 15, 2008 and before January 1, 2011, then every
26 discretionary permit or entitlement that was (i) relating to the map; and (ii)
27 issued pursuant to Title XV of the Municipal Code shall be extended by 12
28 months; and,

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2 (B) If a tentative or vesting tentative subdivision map or parcel map for
3 which a tentative or vesting tentative map, as the case may be, would have
4 expired after July 15, 2009 and before January 1, 2012, then every
5 discretionary permit or entitlement that was (i) relating to the map; and (ii)
6 issued pursuant to Title XV of the Municipal Code, shall be extended by 24
7 months.

8 (C) If California statutory law is amended during the 2011-2012 legislative
9 cycle to extend tentative or vesting tentative subdivision or parcel maps for
10 a specified time frame, then every discretionary permit or entitlement that
11 was (i) relating to the map; and (ii) issued pursuant to Title XV of the
12 Municipal Code, shall be extended by the same specified time frame
13 mandated by the newly enrolled state statutes.
14

15 Section 3. Intent of Ordinance. Nothing in this Ordinance is intended to
16 be inconsistent with state or federal law. This ordinance shall be interpreted in
17 light of that intent.
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19 Section 4. Effective Date. This Ordinance shall take effect thirty days
20 following its adoption as provided by Government Code Section 36937.
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22 Section 5. Severability. Should any provision, section, paragraph,
23 sentence or word of this Ordinance be rendered or declared invalid by any
24 court of competent jurisdiction or by reason of any preemptive legislation, the
25 remaining provisions, sections, paragraphs, sentences or words of this
26 Ordinance shall remain in full force and effect.
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1 Section 6. Certification & Notice. The City Clerk shall certify to the
2 passage and adoption of this Ordinance and shall give notice of its adoption as
3 required by law. Pursuant to Government Code Section 36933, a summary of
4 this Ordinance may be published and posted in lieu of publication and posting
5 of the entire text.

6
7 DATED: June 27, 2011
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11 _____
William W. Kirby, M.D., Mayor

12 ATTEST:
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14 _____
Joseph G. R. Labrie, City Clerk
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16 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
17 that the foregoing ordinance was duly passed at a regular meeting of the City
18 Council of the City of Auburn held on the 27th day of June 2011 by the
following vote on roll call:

19 Ayes:
20 Noes:
21 Absent:

22 _____
Joseph G. R. Labrie, City Clerk
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